# **EXHIBIT D**

#### UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

In re Ex Parte Application of Majed Amir Al-Attabi,

Petitioner,

Case No. 1:21-mc-00207(VSB)(RWL)

Discovery for use in Foreign Proceedings Pending
in the Republic of Lebanon.

#### STIPULATION & [PROPOSED] PROTECTIVE ORDER

WHEREAS, on September 3, 2021, the Court granted the application of Petitioner Majed Amir Al-Attabi ("Petitioner") to take certain discovery in this district for use in the legal proceedings pending between Petitioner and Bank Audi S.A.L. ("Bank Audi") in the Court of First Instance of Beirut under No. 448/2020 and in the Court of Judicial Enforcement of Beirut under No. 211/2021 (collectively, the "Lebanon Proceedings") [ECF 10]; and

WHEREAS, pursuant to the Court's September 3, 2021 order, the Petitioner served subpoenas in this district on JPMorgan Chase Bank, N.A., The Bank of New York Mellon, Citibank, N.A., and Standard Chartered Bank (the "Subpoenaed Banks") seeking production of, among other things, records reflecting certain U.S. dollar transfers by Bank Audi customers in a format that does not disclose the names or any other personally identifying information (including account numbers) of any transferor or transferee; and

WHEREAS, Bank Audi <u>asserts that it has appeared in this case by virtue of its</u> interest as the defendant in the <u>LebaneseLebanon</u> Proceedings; and to protect the confidentiality of its customers as required by Lebanese law; and

WHEREAS, Bank Audi and the Subpoenaed Banks have requested entry of an appropriate protective order prior to the production of documents and information in

response to the Petitioner's subpoenas as modified by the Court on January 26, 2022 [ECF 34] (the "\\$ 1782 Subpoenas"); and

IT IS HEREBY STIPULATED AND SO ORDERED, pursuant to 28 U.S.C. § 1782 and Rule 26(c) of the Federal Rules of Civil Procedure that:

- 1. All documents and information produced by the Subpoenaed Banks in response to the § 1782 Subpoenas shall not be used by any person for any purpose other than proving or rebutting any issue raised in the Lebanon Proceedings.
  - 2. The Subpoenaed Information may be disclosed only to:
  - (a) Petitioner and Bank Audi, the parties to the Lebanon Proceedings;
- (b) counsel for Petitioner and Bank Audi in this proceeding ("U.S. Counsel"), subject to compliance with Paragraph 3 of this Protective Order;
- (c)- counsel for Petitioner and Bank Audi who are engaged in representing those parties in the Lebanon Proceedings, ("Lebanon Counsel"), including the paralegal, technical, secretarial and clerical personnel who are actually engaged in assisting such Lebanon Counsel, subject to compliance with Paragraph 3 of this Protective Order;
- (d) the courts presiding over the Lebanon Proceedings and over any related appellate, court of cassation and/or enforcement proceedings; (the "Lebanon Related Proceedings"), including the their clerical personnel chosen by the courts to work on Lebanon Proceedings (the "Lebanon Courts"), subject to compliance with Paragraph 4 of this Protective Order;
- (e(e) persons providing photocopying, document storage, data processing, or litigation support who are employed by U.S. Counsel or Lebanon Counsel to assist in this proceeding or the Lebanon Proceeding, subject to compliance with Paragraph 3 of this

#### Protective Order;

- (f) experts retained by Lebanon Counsel for purposes of consulting or testifying in the Lebanon Proceedings, subject to compliance with Paragraph 3 of this Protective Order; and
- (fg) other persons only with the prior written agreement of Bank Audi and the Subpoenaed Bank that produced the Subpoenaed Information, subject to compliance with Paragraph 3 of this Protective Order.
- 3. The following procedures shall apply to the Unless otherwise ordered by this Court or one of the Lebanon Courts, prior to disclosure of Subpoenaed Information to a person authorized under paragraphs 2(b), 2(c), 2(e), 2(f) and 2(f) to receive it.g):
- (a)— The disclosing party shall provide to such person a copy of this Protective Order and obtain from such person an executed copy of the Confidentiality Agreement annexed hereto as Exhibit A. Where the person to whom the Subpoenaed Information is disclosed pursuant to this paragraph 3 is not fluent in English, the disclosing party shall provide to such person an Arabic translation of this Protective Order and of the Confidentiality Agreement as set forth in Exhibits B and C, respectively.
- (b) Copies of the executed Confidentiality Agreements (whether in English or Arabic) shall be provided to U.S. Counsel for both parties within three (3) days of execution, except that copies of Confidentiality Agreements executed by experts shall be provided upon disclosure of the expert's identity to opposing Lebanon Counsel. When presented with evidence of unauthorized disclosure of the Subpoenaed Information, the disclosing party shall promptly provide copies of all executed Confidentiality Agreements executed by undisclosed experts to U.S. Counsel for the opposing party.

- 4. Prior to filing any Subpoenaed Information with the Lebanon Courts,

  Lebanon Counsel for the parties shall use their best efforts to obtain an order from the

  Lebanon Courts to file the Subpoenaed Information in a manner that prevents them from

  being publicly accessible by anyone other than the court and its clerical personnel.
- 5. All persons to whom the Subpoenaed Information is disclosed under paragraphs 2(a), 2(b), 2(c), 2(e), 2(f) and 2(fg) are obligated to maintain the Subpoenaed Information in a secure environmentmanner to prevent access to the Subpoenaed Information by unauthorized persons.
- 6.-5. Within ten (10thirty (30)) days of the final conclusion of the Lebanon Proceeding, including appeals Proceedings and Lebanon Related Proceedings, all copies of the Subpoenaed Information shall be destroyed by Petitioner, Bank Audi, and by all other persons who received Subpoenaed Information subject to compliance with paragraph 3 of this Protective Order. The parties U.S. Counsel, and Lebanon Counsel, who shall provide certificates confirming such destruction to U.S. Counsel and to the Subpoenaed Banks within three (3) weeks of the final conclusion of the Lebanon Proceeding within the thirty (30) day time period.
- 76. This Court retains jurisdiction over this matter for all proceedings to enforce or modify the terms of this Protective Order. Upon a finding that any person has knowingly disclosed any Subpoenaed Information to a person not authorized by this Protective Order to receive it, or to an authorized person for a purpose not authorized by this Protective Order, the person shall be subject to a monetary sanction.

[insert signature lines for all counsel]

SO ORDERED,

| ROBERT W. LEHRBURGER           |
|--------------------------------|
| UNITED STATES MAGISTRATE JUDGE |

Dated: March , 2022

New York, New York

#### **STIPULATED AND AGREED TO BY:**

March , 2022

By:

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### **EXHIBIT A**

## UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

| In re Ex Parte Application of Majed Amir Al-Attabi,  | :   |  |
|--|---|--|
| Petitioner,  | : Case No. 1:21-mc-00207(VSB)(RWL)                |  |
| for an Order Pursuant to 28 U.S.C. § 1782 to Take Discovery for use in Foreign Proceedings Pending in the Republic of Lebanon. | :<br>:<br>:                                       |  |
| CONFIDENTIALITY AGREEMENT  |   |  |
| 1. My name is  |   |  |
| (state position) by  | (state name and                                   |  |
| address of employer).  |   |  |
| 2. I have received and read a copy of the Prote  | ective Order that has been entered in             |  |
| he above captioned proceeding. I understand the provision  | ns of the Protective Order <del>, including</del> |  |
| ts provisions for secure maintenance of the Subpoenaed In  | nformation and for monetary sanctions,            |  |
| and agree to comply with and be bound by its provisions.   |   |  |
| 3. I agree that I will destroy all copies of Subp  | oenaed Information in my possession               |  |
| as soon as my role in connection with this proceeding or th  | e Lebanon Proceedings is completed.               |  |
| 3.4. I understand that sanctions may be imposed  | upon me for violation of the                      |  |
| Protective Order. I consent to personal jurisdiction over m  | e by the United States District Court             |  |
| For the Southern District of New York with respect to enfor  | rcement of the Protective Order.                  |  |
|  |   |  |
| Dated: Signed  | d:  |  |
|  | <del></del>                                       |  |